

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert Johnson,

Civil No. 10-4056 (RHK/AJB)

Plaintiff,

VS.

Seth Snedden individually and in his official capacity as a St. Paul Police Officer, and Chris McGuire individually and in his official capacity as a St. Paul Police Officer,

Defendants.

AFFIDAVIT OF LAWRENCE J. HAYES, JR. IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

LAWRENCE J. HAYES, JR., being first duly sworn states and deposes as follows:

1. That he is the attorney representing Defendants Seth Snedden and Chris McGuire regarding the above entitled civil lawsuit.
2. That attached hereto as Exhibit 1 is a true and complete copy of the deposition of Plaintiff Robert Johnson.
3. That attached hereto as Exhibit 2 is a true and correct copy of records from Regions Hospital relating to Plaintiff's treatment at that facility on August 2, 2008.
4. That attached hereto as Exhibit 3 is a true and correct copy of the Affidavit of Beauford Jackson.

5. That attached hereto as Exhibit 4 is a true and correct copy of the Affidavit of LaVonya Thomas.

6. That attached hereto as Exhibit 5 is a true and correct copy of the Affidavit of Keyonna Thomas.

7. That attached hereto as Exhibit 6 is a true and correct copy of the deposition transcript of Defendant Seth Snedden.

8. That attached hereto as Exhibit 7 is a true and correct copy of a diagram of the incident area made by Officer Snedden at his deposition.

9. That attached hereto as Exhibit 8 is a true and correct copy of Officer Snedden's Advanced Taser Use Report relating to the August 1, 2008 incident.

10. That attached hereto as Exhibit 9 are true and correct copies of police officer reports relating to the August 1, 2008 incident.

11. That attached hereto as Exhibit 10 is a true and correct copy of the deposition transcript of Defendant Chris McGuire.

12. That attached hereto as Exhibit 11 are three color photographs of the vicinity of 701 Conway Street, Saint Paul, Minnesota.

13. That attached hereto as Exhibit 12 is a true and correct copy of the City of Saint Paul "Noise as Public Nuisance" ordinance, section 293.02.

14. That attached hereto as Exhibit 13 are true and correct copies of the City of Saint Paul "Drinking in Public" and "Drinking on Streets" ordinances, sections 245.01 and 246.01.

15. That attached hereto as Exhibit 14 are true and correct copies of Saint Paul Police Department Manual sections 246 (Use of Force), 246.01 (Use of Force Continuum) and 246.05 (Taser Electronic Incapacitation Device).

16. That attached hereto as Exhibit 15 is a true and correct copy of an unpublished decision of the United States District Court for the District of Minnesota entitled *Huset v. City of Roseville*, dated August 24, 2006, 2006 WL 2472186.

17. That attached hereto as Exhibit 16 is a true and correct copy of an unpublished decision of the United States District Court for the District of Minnesota entitled *Weiner v. Lappégard*, dated May 16, 2005, 2005 WL 1155943.

FURTHER YOUR AFFIANT SAYETH NOT.

s/ Lawrence J. Hayes, Jr.
LAWRENCE J. HAYES, JR.
Assistant City Attorney

Subscribed and sworn to before me
on December 8, 2011.

s/ Joan E. Richardson
Notary Public
My commission expires January 31, 2015